

Application No. 10/774,556  
Response to Office Action mailed January 20, 2006

Customer No. 22908

### **REMARKS/ARGUMENTS**

The Office Action of January 20, 2006 has been carefully reviewed and the paper is Applicant's response thereto. Claims 1-10, and 20-24 are pending. Claims 11-19 and 25-27 are withdrawn. Claims 1-6 and 20-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,519,954 to Garret (Garret). Claims 7, 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of U.S. Patent No. 4,058,922 to Elbe *et al.* (Elbe) and in further view of U.S. Patent No. 4,326,353 to Ludwig *et al.* (Ludwig). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of Ludwig. Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of U.S. Patent No. 4,709,496 to Johnson (Johnson).

Applicant respectfully traverses the rejection of the pending claims in view of the above amendments and the following remarks.

### **Amended Claims**

Claim 20 has been amended to correct a manifest informality. No change in the scope of claim 20 was intended by this amendment and no new matter was added.

Claim 22 has been amended to recite "wherein the slot is positioned on an opposite side of the receiver well compared to the magazine catch." Support for this amendment is at least found in Figures 6a and 6b, thus no new matter has been added.

### **Objected Claim**

Claim 22 was objected to as not being a proper dependent claim. As noted above, claim 22 has been amended to recite additional features as compared to claim 20. Accordingly, the reason for this objection is believed to have been obviated.

### **Rejection of the Claims under 35 U.S.C. §102 & § 103**

Independent claims 1 and 20 were rejected as being anticipated by Garrett. The remaining dependent claims were rejected by Garrett, alone or in combination with Elbe, Ludwig and Johnson. Thus the rejection of the pending claims depends on Garrett disclosing the features of claims 1 and 20.

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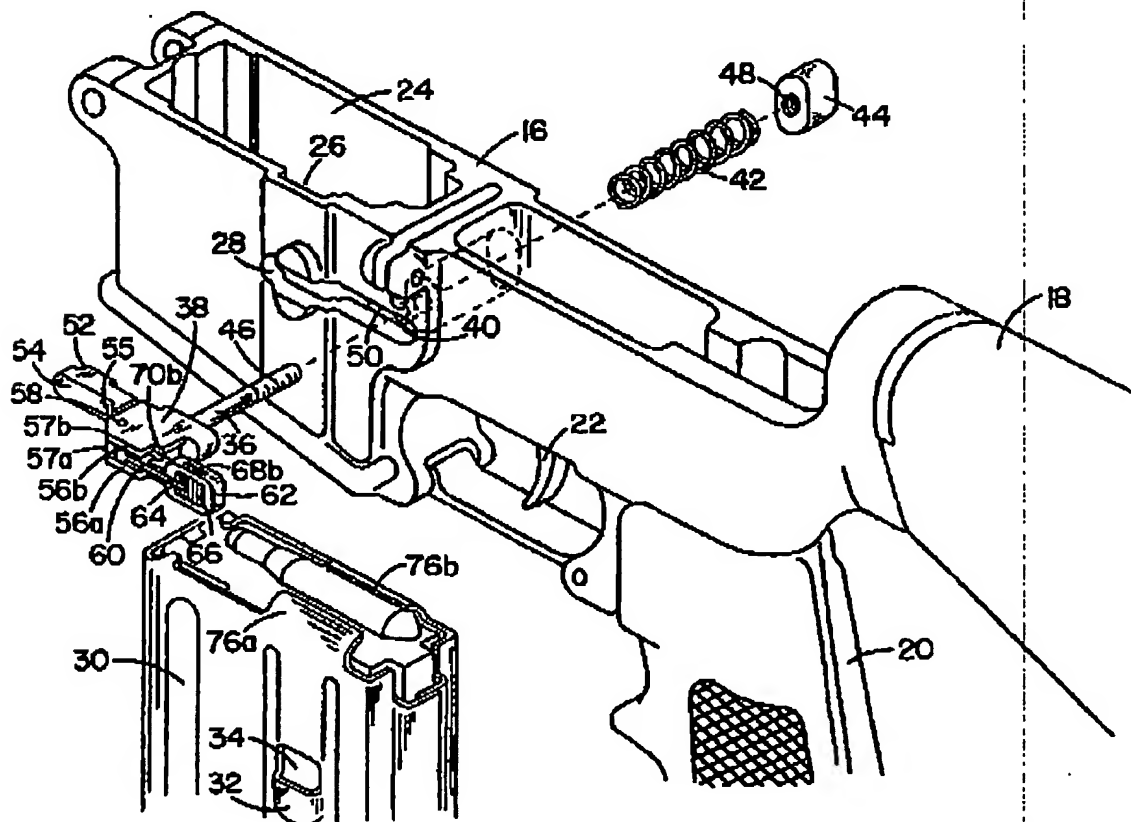
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Turning to claim 1, the preamble recites "A firearm having a receiver configured to receive a tabbed magazine" and one recited feature of claim 1 is "a receiver well configured to control movement of the tabbed magazine when the tabbed magazine is inserted into the receiver well." The specification at pg. 1, ¶ 3, explains that a tabbed magazine includes a retaining feature and a locking feature such as is used in the AK-47 rifle, where the tab is the retaining feature. The specification at pg. 1, ¶ 4 further explains that a prior art method of installing a tabbed magazine is to engage the tab (i.e. the retaining feature) with a tab engaging feature and then using the tab as a pivot point so as to rotate the magazine into the magazine well. Therefore, a tabbed magazine cannot have the locking feature be in the same basic location as the retaining feature.

**Figure 1 of Garrett is provided below:**

FIG. 1



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Looking at Figure 1 of Garrett, it is plain that the protrusion 32 (which the Office Action appears to be reading as a tab) is in the same basic location as the slot 34. Thus, the magazine used by the receiver in Garrett is not a tabbed magazine as defined by the present application. Therefore, the magazine well of Garrett is not designed to receive a tabbed magazine as defined by the present application. As the receiver of Garrett is not configured to receive a tabbed magazine in the first place, Garrett cannot disclose "a receiver well configured to control movement of the tabbed magazine." Therefore, Garrett fails to disclose at least the above limitations of claim 1. As Garrett fails to disclose all the limitations of claim 1, Garrett cannot be said to anticipate claim 1.

Claims 2-10 depend from claim 1 and were rejected in view of Garrett, along or in combination with the references of record. However, the Office Action did not suggest that the other references of record could correct the above noted deficiency in Garrett, nor do they appear able to do so. Therefore, for the reasons discussed above with respect to claim 1 and for additional limitations recited therein, claims 2-10 patentable over the references of record.

Claim 20 includes recites limitations similar to the above noted limitations of claim 1 and for at least the reasons discussed with respect to claim 1, all the limitations of claim 20 are not found in Garrett.

Claims 21-24 depend from claim 20 and are patentable over the references of record for the reasons that claim 20 is patentable and for the additional features recited therein.

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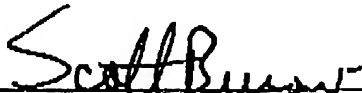
**CONCLUSION**

As all objections and rejections have been addressed, Applicant respectfully requests reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: April 18, 2006

By:

  
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